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Attorney Docket: 07133.8050



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

1-800-PLUMBER, INC.,
Petitioner,
v.
BETH ELLEN CLINE,
Registrant.



05-29-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #79

Cancellation No. 27,133 and 27,054

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

ATTN: BOX TTAB NO FEE

TRADEMARK TRIAL AND
APPEAL BOARD
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CONSENTED MOTION TO EXTEND DISCOVERY UNDER RULE 56(f)
AND TO RESPOND TO SUMMARY JUDGMENT MOTION

The parties hereby request that the deadline for Registrant, Beth Cline, to complete the Board-ordered 56(f) discovery and for Petitioner 1-800-Plumber, Inc. to respond to Registrant's summary judgment motion be extended for an additional sixty days to and including **July 28, 2002**.

As explained in the recent extension requests filed in this proceeding, Ms. Cline has had health problems and has not produced documents responsive to the Board ordered 56(f) discovery that Ms. Cline testified about during her deposition in November 2001. Petitioner just learned from, Victor Serby, counsel for Ms. Cline, that Ms. Cline recently passed away and that Ms. Cline's estate will be continuing with this action.

To allow additional time for the Estate of Beth Cline to locate the documents and sufficient time for Petitioner to prepare its response to Ms. Cline's summary judgment

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motion upon receiving the documents, the parties have stipulated to the further sixty (60) day extension of the current deadline for the completion of discovery and for Petitioner to file its response to Registrant's motion for summary judgment in Cancellation No. 27,133. Victor Serby, counsel for the late Ms. Cline and the Estate of Beth Cline, consented to the sixty day extension of time during a May 28, 2002 telephone conference with the undersigned counsel for Petitioner.

This request is for good cause and is not filed for the purpose of mere delay, and favorable consideration is requested.

Respectfully submitted,

1-800-PLUMBER, INC.

Dated: May 29, 2002

By: 

David M. Kelly
Christina J. Hieber
Attorneys for Petitioner

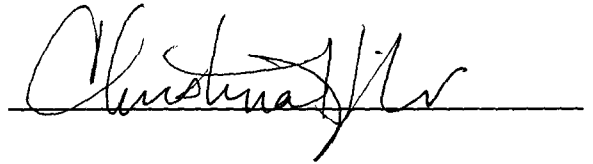
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSENTED MOTION TO
EXTEND DISCOVERY UNDER RULE 56(f) AND TO RESPOND TO SUMMARY
JUDGMENT MOTION was served on May 29, 2002 by first class mail, postage prepaid,
on the following attorney for Registrant:

Victor M. Serby, Esq.
350 Fifth Avenue – Suite 6307
Empire State Building
New York, New York 10118

A handwritten signature in cursive script, appearing to read "Christina J. W.", is written over a horizontal line.

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